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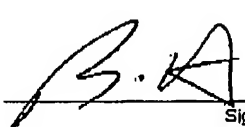
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) ASSIA 20.502 (056730-00065)	
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		First Named Inventor Ofir ZOHAR	
		Art Unit 2182	Examiner Jasjit S. VIDWAN
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.		Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		Brian E. Hennessey	
<input checked="" type="checkbox"/> attorney or agent of record. 51,271 Registration number _____		212-940-8800	
		Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		6-28-2007	
		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
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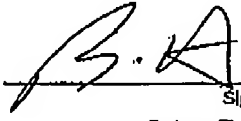
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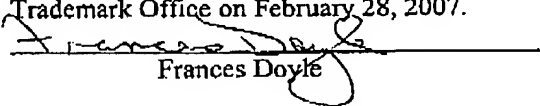
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		First Named Inventor Ofir ZOHAR	
		Art Unit 2182	Examiner Jasjit S. VIDWAN
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I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/06) <input checked="" type="checkbox"/> attorney or agent of record. 51,271 Registration number _____ <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		 Signature Brian E. Hennessey Typed or printed name 212-940-8800 Telephone number 2-28-2007 Date	
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Frances Doyle**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: Ofir Zohar
Confirmation No.: 7108
Serial No.: 10/620,080
Filed: July 15, 2003
Title: **Data Allocation In a Distributed Storage System**
Examiner: Jasjit S. Vidwan
Group Art Unit: 2182
Attorney Docket No.: 056730-00065 (ASSIA 20.502)

February 28, 2007

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**ARGUMENTS SUBMITTED IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

SIR:

This communication is filed with and in support of a Pre-Appeal Brief Request for Review, requesting a panel review to determine whether the Examiner has established a prima facie case of anticipation with respect to pending claims 1-10 and 23-32.

Claim 1 relates to a method for data distribution that includes, *inter alia*, redistributing the logical addresses among the storage devices in the extended set so as to cause a portion of the logical addresses to be transferred from the storage devices in the initial set to the additional storage device. In claim 1, the redistributing is performed *while maintaining the balanced access* and *while maintaining the same logical addresses for the logical addresses in the initial*

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set of storage devices that are not transferred to the additional storage device.

The Examiner asserts that United States Patent No. 5,615,352 to Jacobson et al. (hereinafter referred to as Jacobson) discloses all of the features of claim 1. However, Jacobson does not disclose or suggest *maintaining the same logical addresses for the logical addresses in the initial set of storage devices that are not transferred to the additional storage device.*

The Examiner asserts that:

... the original logical addresses for the initial set of storage devices remain the same because Jacobson teaches that when more storage disks are added, only the data that needs to be moved to the new disk is actually transferred ... By moving only the data that needs to be transferred to additional storage device, the logical addresses for the data not moved would remain the same in the initial set of storage devices as it was prior to the addition of storage devices.

(Advisory Action; page 2, last paragraph; citing Jacobson col. 2, lines 9-25). However, this summary of Jacobson completely mischaracterizes the reference. The cited section of Jacobson actually states only that:

According to one method, the physical storage space of the disk array is configured into multiple stripes for storing a predetermined amount of data. The stripes extend across multiple storage disks in the disk array, and are made up of one or more equal sized segments from each storage disk in the disk array. *When more storage disks are added, data from one stripe is moved to a another portion of the physical storage space. The physical storage space containing the stripe is then reconfigured into an expanded stripe for storing data.* This expanded stripe spans across all storage disks, including the new additional storage disks. The expanded stripe is then ready to receive new data. This process is continued stripe-by-stripe until all stripes have been configured to include the new disks. While the stripe is being expanded, the data storage system does not allocate any virtual blocks within the selected stripe.

(Jacobson col. 2, lines 9-25; emphasis added). As is readily apparent from the cited section, Jacobson does NOT teach that only data that needs to be moved to a new disk is actually

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part of the expanded storage area, after expansion. In contrast, Applicant's invention recites moving data *only* into the added space, and never moving data within the original storage space after expanding the storage area. Jacobson moves data within the storage space, but not necessarily *only* to the added space.

There is no disclosure in any of the cited sections of Jacobson of performing *load balancing* and *redistributing*, while maintaining the same logical addresses for the logical addresses in the initial set of storage devices that are not transferred to the additional storage device. Therefore, for at least this reason the claims are allowable over Jacobson.

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



Brian E. Hennessey
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